IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 21959 of 2007(L)

PETITIONER:

E.A. JAYAKUMAR, AGED 42 YEARS,
S/O. AYYAPPAN PILLAI, 614/4 OF ETTIYEDATH
PADINJARA PUTHENPURA, ELOOR SOUTH, ELOOR VILLAGE,
UDYOGAMANDAL P.O., ERNAKULAM DISTRICT.

BY ADV. SRI. R. DIVAKARAN

RESPONDENTS:
----

1. **ELOOR GRAMA PANCHAYATH, REPRESENTED BY ITS SECRETARY, ELOOR GRAMA PANCHAYATH, UDYOGAMANDAL- 683 501.**

2. **THE SECRETARY, ELOOR GRAMA PANCHAYATH, ELOOR, UDYOGAMANDAL- 683 501.**

3. **DISTRICT COLLECTOR, COLLECTORATE, ERNAKULAM DISTRICT.**

BY SR. GOVERNMENT PLEADER SRI. K. J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

\- -

W.P.(C).No. 21959 OF 2007

\- -

Dated this the 17th day of July, 2007

JUDGMENT

Petitioner challenges Exts.P1 and P5. Ext.P1 is the stop memo. Ext.P5 is the notice calling upon the petitioner to remove the encroachment and construction made by the petitioner. Petitioner has already approached the Civil Court by filing O.S.No.340/07 against the respondent-Panchayat. Learned counsel for the petitioner does not dispute the fact that as against Ext.P5, petitioner has a statutory remedy by way of an appeal to the Panchayat Committee. He submits that petitioner will avail of the said alternate remedy. I make it clear that if the petitioner files an appeal and also files an application for interim relief therein, the appellate body will consider the same and pass appropriate orders thereon. Leaving open the liberty of the petitioner to file an appeal within the period of limitation, the writ petition is disposed of.

(K.M.JOSEPH, JUDGE)

sv.